

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CRIMINAL CASE NO. 3:04CR151

UNITED STATES OF AMERICA,)

)

)

vs.)

)

)

THOMAS JONATHAN AICHER.)

)

ORDER

THIS MATTER is before the Court on the Defendant 's motion to be given credit for time served in connection with his state sentences.

The Defendant's motion "challenges the execution of his sentence and cannot be brought in the first instance to the district court[.]" ***United States v. Harbison*, 148 Fed.Appx. 187 (4th Cir. 2005)**. Once a sentence has been imposed, the Defendant has been committed to the custody of the United States Attorney General, who, through the Bureau of Prisons (BOP), determines issues concerning credit for time served. ***United States v. Wilson*, 503 U.S. 329 (1992); *United States v. Burcham*, 91 Fed.Appx. 820 (4th Cir. 2004)**.

Therefore, any challenge to the execution of sentence or request for a computation of time served must be brought, if at all, only after the exhaustion of remedies available through the BOP. ***Wilson, supra.; Burcham, supra.***

IT IS, THEREFORE, ORDERED that the Defendant's motion is hereby **DENIED**.

Signed: May 19, 2006

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

